MONTANA LEGISLATIVE HISTORY

Chapter 136 1997

Bill H 256 S _____ Original bill & history ____C

H. Committee on Human Services & Aging			S. Committee on Public Health, Welfare & Safety		
Hearing Date(s)	Jan 22	✓ C	Hearing Date(s)	Mar 07	✓ C
	Jan 31	✓ C		Mar 10	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

HB 253 INTRODUCED BY MERCER, ET AL. *LC0999 DRAFTER: CAMPBELL*

REQUIRE A STATE AGENCY, OTHER THAN A DISTRICT COURT, TO PAY FEES CHARGED BY A SHERIFF FOR SERVICES RELATED TO CHILD SUPPORT THAT ARE PROVIDED TO THE STATE AGENCY

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO LOCAL GOVERNMENT		
1/14	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/21	FISCAL NOTE PRINTED		
1/30	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	FISCAL NOTE REQUESTED		
2/10	FISCAL NOTE RECEIVED		
2/10	FISCAL NOTE PRINTED		
2/15	2ND READING PASSED	94	4
2/19	TAKEN FROM COMMITTEE AND REREFERRED TO APPROPRIATIONS		
3/28	MISSED DEADLINE FOR 67TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 254 INTRODUCED BY BARNHART *LC0470 DRAFTER: HEFFELFINGER*

PROVIDE THAT AN ORGANIZATION RECEIVING STATE OR FEDERAL MONEY THROUGH A CONTRACT FOR SERVICES FOR A STATE AGENCY SHALL SO NOTE ON CERTAIN ORGANIZATION MATERIALS

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO STATE ADMINISTRATION		
1/28	HEARING		
1/29	TABLED IN COMMITTEE		
2/27	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 255 INTRODUCED BY LAWSON *LC0910 DRAFTER: BOHYER*

AUTHORIZE RATHER THAN REQUIRE SMOKING AND NONSMOKING AREAS IN CERTAIN OFFICES AND WORK AREAS MAINTAINED BY LOCAL GOVERNMENTS

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO LOCAL GOVERNMENT		
1/23	HEARING		
1/24	COMMITTEE REPORT—BILL PASSED		
1/25	2ND READING PASSED AS AMENDED	90	7
1/28	3RD READING PASSED	93	7
	TRANSMITTED TO SENATE		
1/29	FIRST READING		
1/29	REFERRED TO LOCAL GOVERNMENT		
2/20	HEARING		
3/04	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

HB 256 INTRODUCED BY BERGMAN, ET AL. *LC0699 DRAFTER: FOX*

CLARIFY THAT A LICENSED PRACTICAL NURSE MAY ACT IN A CHARGE-NURSE CAPACITY IN CERTAIN LONG-TERM CARE FACILITIES

1/14	INTRODUCED
1/14	FIRST READING

1/14	REFERRED TO HUMAN SERVICES & AGING		
1/22	HEARING		
2/03	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/05	2ND READING PASSED	76	24
2/06	3RD READING PASSED	83	17
	TRANSMITTED TO SENATE		
2/07	FIRST READING		
2/07	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/07	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/14	2ND READING CONCURRED	49	0
3/15	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/21	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 136		
	EFFECTIVE DATE: 03/25/97		

HB 257 INTRODUCED BY KOTTEL *LC0271 DRAFTER: LANE*

LIMIT DEFENDANTS TO ONE JURY TRIAL IN MISDEMEANOR CRIMINAL CASES FILED IN A JUSTICE'S OR CITY COURT

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO JUDICIARY		
1/14	FISCAL NOTE REQUESTED		
1/20	FISCAL NOTE RECEIVED		
1/22	FISCAL NOTE PRINTED		
1/28	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED		
2/01	2ND READING PASSED	85	13
2/03	3RD READING PASSED	82	17
	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
3/07	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCUR MOTION FAILED	24	26
3/12	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	42	8
3/13	2ND READING CONCURRED	38	12
3/14	3RD READING CONCURRED	38	11
	RETURNED TO HOUSE		
3/17	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/19	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 129		
	EFFECTIVE DATE: 03/24/97		

HB 258 INTRODUCED BY SIMPKINS *LC0742 DRAFTER: ERICKSON*

DEFINE THE PURPOSE OF PUBLIC EDUCATION

1/15	INTRODUCED
1/15	FIRST READING
1/15	REFERRED TO EDUCATION & CULTURAL RESOURCES
1/22	HEARING
1/22	TABLED IN COMMITTEE

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By CHAIRMAN DUANE GRIMES, on January 22, 1997, at 3:00 P.M., in ROOM 104.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. Loren L. Soft, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Deb Kottel (D)
Rep. Billie Krenzler (D)
Rep. Brad Molnar (R)
Rep. Wes Prouse (R)
Rep. Diane Sands (D)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)

Members Excused: Rep. Molnar & Rep. Prouse

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Jaelene Racicot, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 256 & HB 27 1-18-97
Executive Action: HB 184

{Tape: 1 ; Side: A; Approx. Time Count: .3; Comments: EXHIBIT 1 was given to the committee at the request of Rep. Sands.}

HEARING ON HB 256

Opening Statement by Sponsor: REP. ELLEN BERGMAN, HD 4, introduced the bill. *{Tape: 1; Side: A; Approx. Time Count: .9; Comments: Rep. Bergman offered an amendment and submitted EXHIBIT 2.}*

Proponents' Testimony: Rose Hughes, Montana Health Care Association. *{Tape: 1; Side: A; Approx. Time Count: 6.3; Comments: Ms. Hughes submitted personal testimony, see EXHIBIT 3. Ms. Hughes offered the committee additional testimony, see EXHIBITS 4 and 5.}*

Dan Burkstrom, Lantis Enterprises. *{Tape: 1; Side: A; Approx. Time Count: 16.8; Comments: None.}*

Sylvia Gullick, St. John's Lutheran Home. *{Tape: 1; Side: A; Approx. Time Count: 22.3; Comments: None.}*

LaRay Collins, LPN at St. John's Lutheran Home. *{Tape: 1; Side: A; Approx. Time Count: 24.7; Comments: None.}*

Linda Sandman, Dept. of Health and Human Services. *{Tape: 1; Side: A; Approx. Time Count: 26.1; Comments: None.}*

Julie Bar, Hillbrook Care Center, Clancy. *{Tape: 1; Side: A; Approx. Time Count: 27.4; Comments: None.}*

Jim Ahrens, President of the Montana Hospital Association. *{Tape: 1; Side: A; Approx. Time Count: 29.8; Comments: None.}*

George Hagerman, AFSCME. *{Tape: 1; Side: A; Approx. Time Count: 30.4; Comments: None.}*

Barbara Booher, Montana Nurses Association. *{Tape: 1; Side: A; Approx. Time Count: 31.5; Comments: Stated she supported the Bergman amendment.}*

Secea Facione, Union Workers. *{Tape: 1; Side: A; Approx. Time Count: 33.1; Comments: None.}*

Martha L. Jones, President of the Montana LPN Association. *{Tape: 1; Side: A; Approx. Time Count: 34.1; Comments: Ms. Jones did not testify. Her testimony was submitted to the committee. See EXHIBIT 6.}*

Informational Testimony: Perry Eskridge, Dept. of Commerce. *{Tape: 1; Side: B; Approx. Time Count: 34.1; Comments: See EXHIBITS 7 & 8.}*

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 43.; Comments: Questions continued through Tape 1; Side B; Approx. Time Count: 22.5.}

{Tape: 1; Side: B; Approx. Time Count: 22.5 - 24.5; Comments: Chairman Grimes waited for the room to clear before starting the hearing on HB 27.}

Amendments to House Bill 256

Prepared by Montana Health Care Association

January 22, 1997

1. Title, line 5.
Strike: "SUPERVISORY"

2. Page 2, line 3.
Strike: "supervisory"

HOUSE OF REPRESENTATIVES
ROLL CALL

HUMAN SERVICES COMMITTEE

DATE 1-22-97

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. Loren Soft, Vice Chairman	✓		
Rep.Carolyn Squires, Vice Chairman	✓		
Rep. Darrel Adams	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. John Bohlinger	✓		
Rep. Bill Carey	✓		
Rep. Deb Kottel	✓		
Rep. Billie Krenzler	✓		
Rep. Brad Molnar			✓
Rep. Wes Prouse.			✓
Rep. Diane Sands	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 1/22/97

BILL NO. HB 27
HB 256

SPONSOR(S) _____

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	Rose Hughes	Mt Health Care Helena	HB 256
(P) O I	Gerald E. Hughes	Big Sky Care Center, Helena	HB 256
(P) O I	Julie Bax	Hillbrook Care Center Conrad	HB 256
P O (I)	Kurt Saxe	245 S. Bent Helena	HB 256
(P) O I	Dan Bergstrom	Billings	HB 256
(P) O I	Andrea Merrill	Mental Health Assoc MHAM Helena	HB 27
(P) O I	Anita Bennett	MTA Services	HB 27
(P) O I	Kathy Aasen	1635 Conn Bgs MT	HB 256
(P) O I	Sylvia Uelbelacker	2110 Fox Drive Billings MT	HB 256
(P) O I	[illegible]	Billings.	HB 256
(P) O I	Bill McCall	Billings	HB 256 Zentis
(P) O I	Dawn McBride	Bozeman MT	HB 256 Lentis
(P) O I	Donald Beadle	Bozeman, MT	" "
(P) O I	Barb Booker	MT Nurses Assoc	HB 256 & HB 27

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 1/22/97

BILL NO. HB 256

SPONSOR(S) _____

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	TERRI HOLD	502 STATE HELENA	LANTIS RMCC
(P) O I	Michelle Kansier	1417 Cannon Helena	Lantis RMCC
(P) O I	Steve Holloway	375 Kim Helena	Lantis RMCC
(P) O I	Linda Sandman	Cogswell Bldg	DPHHS
P O (I)	R. Perry Eskridge	Dept Commerce	Bd of Nursing
P O I	G. F. Wagesman	Helena AFSCME	AFSCME
P O I	James F. Athens	P.O. Box 5119	Helena MT MT Hospital Assoc
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Proponents: Sam Sperry, Exhibit 11, 11a *{Tape: 3; Side: A; Approx. Time Count: 0; Comments: guidelines and regulations needed to expedite process.}*

Steve Yeakel, Executive Director Montana Funeral Directors Association

Opponents: None

Informational Testimony: Mickey Nelson, Coroner *{Tape: 3; Side: A; Approx. Time Count: 2.1-4.5; Comments: suggested revision.}*

Questions From Committee Members and Responses: *{Tape: 3; Side: A; Approx. Time Count: 4.6-8.6; Comments: models federal law.}*

Closing by Sponsor: Rep. Kottel closed.

EXECUTIVE ACTION ON HB 340

Motion/Vote: Rep. Krenzler moved DO PASS HB 340. Rep. Kottel discussed an error in the title. Rep. Kottel moved the amendment. The motion passed. Rep. Kottel moved the bill as amended. The motion PASSED unanimously.

EXECUTIVE ACTION ON HB 256

Motion/Vote: Rep. Bergman moved DO PASS HB 256. Rep. Squires moved amendment #1.

{Tape: 3; Side: A; Approx. Time Count: 14.7; Comments: Exhibit 12 from Board of Nursing.}

Discussion:

Rep. Bergman rejected the amendment, should not restrict licensees. Rep. Soft, against the amendment, they can use good judgement.

Vote: The question was called on Amendment #1. The motion FAILED 5-10.

Motion/Vote: Rep. Bergman moved to pass Amendment #2. The question was called on the amendment. The motion PASSED unanimously.

Motion/Vote:

Rep. Ahner moved DO PASS HB 256 AS AMENDED. The motion PASSED 13-2. *{Tape: 3; Side: A; Approx. Time Count: 18.6.}*

HOUSE STANDING COMMITTEE REPORT

February 3, 1997

Mr. Speaker: We, the committee on **Human Services** report that **House Bill 256** (first reading copy -- white) **do pass as amended**.

Signed: *Duane Grimes, Chair*

And, that such amendments read:

1. Title, line 5.
Strike: "SUPERVISORY"

2. Page 2, line 3.
Strike: "supervisory"

-END-

2-3-97

Committee Vote:
Yes 13, No 2.

251103SC.Hgd

HOUSE OF REPRESENTATIVES
ROLL CALL

HUMAN SERVICES COMMITTEE

DATE 1/31/97

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman			
Rep. Loren Soft, Vice Chairman			
Rep.Carolyn Squires, Vice Chairman			
Rep. Darrel Adams			
Rep. Chris Ahner			
Rep. Ellen Bergman			
Rep. Bill Boharski			
Rep. John Bohlinger			
Rep. Bill Carey			
Rep. Deb Kottel			
Rep. Billie Krenzler			
Rep. Brad Molnar			
Rep. Wes Prouse.			
Rep. Diane Sands			
Rep. Bruce Simon			
Rep. Liz Smith			

SENATOR CHRISTIAENS asked if, without this language, there is nothing the board can do to compel the dentist to seek treatment. He is particularly concerned about the dentist who is in the beginning stages of Alzheimers disease.

Dr. Langford said someone would have to file a complaint.

SENATOR CHRISTIAENS asked **Dr. Langford** if he had a problem if that remained in the bill.

Dr. Langford said he wouldn't have a problem with that but doesn't know what the legal ramifications would be with the bill being broader than the present.

SENATOR CHRISTIAENS asked **Susan Fox** about the language in the original bill and wondered if it was beyond the scope of the title of the bill as drafted. **Susan Fox** said she would check on it.

SENATOR JIM BURNETT asked if the individual is not willing to go to treatment, what good is it.

Dr. Langford said the premise of the bill is, if the individual has a problem, is identified as having a problem, and if the individual refuses to have an evaluation the board can revoke the license to practice. He referred to page 2, line 10, reasonable aftercare. If the individual submits but doesn't go through with the program or does not complete the program, the board can revoke the license.

SENATOR SHARON ESTRADA asked **REP. BOHLINGER** if he had said there is no fiscal impact of the program.

REP. BOHLINGER said yes.

SENATOR ESTRADA read a portion of the fiscal note.

REP. BOHLINGER said the $36,000.00 to establish the program will be paid by dentists from their license fees.

Closing by Sponsor:
REP. JOHN BOHLINGER thanked the committee and said there is sufficient evidence that treatment programs do work.

SENATOR ESTRADA will carry the bill.

{Tape: 2; Side: A; Approx. Time Count: 5:10 PM}

HEARING ON HB 256

Sponsor: **REP. ELLEN BERGMAN, HD 4, Miles City**

Proponents: **Rose Hughes, MT Health Care Assn.**
Jean Ballantyne, MT Board of Nursing

Julie Barr, RN, Hillbrook Care Center, Clancy
Bill McCarthy, RN
Linda Stedman, Bureau Chief
Vickie Jo Reeves, LPN
Bob Olson, MT Hospital Association
Barbara Booher, MT Nurses Association
Michelle Kansier, LPN

Opponents: None

Opening Statement by Sponsor:
REP. ELLEN BERGMAN, HD 4, Miles City, said this bill will allow Licensed Practical Nurse (LPN) to act in a charge nurse capacity in certain long term care facilities. It will not be a supervisory capacity but in a charge nurse capacity, in charge of a wing or a ward, rather than an RN. This concerns nursing homes and will mostly affect rural areas that may have trouble getting Registered Nurses for all shifts. The LPN will not be making all decisions that an RN must make and must be supervised by an RN, but will direct nurse aids with their duties. RNs do not have any better training in management or supervision than LPNs.

Proponents' Testimony:
Rose Hughes, Executive Director, Montana Health Care Association, representing nursing homes throughout Montana, presented written testimony in support of HB 256. It clarifies LPNs acting as a charge nurse is in the scope of practice of an LPN and does not change current practice. **(EXHIBIT 13)**

Jean Ballantyne, President, Montana Board of Nursing, presented written testimony in support of HB 256. **(EXHIBIT 14)**

Julie Barr, Registered Nurse, Director of Nursing, Hillbrook Care Center, said she has supervised many Licensed Practical Nurses in the roll of charge nurse. There are many dedicated LPNs working in long term care and she supports this bill so they can continue working in that role.

Bill McCarthy, Licensed Practical Nurse, said he supervises several facilities in Montana. They have found LPNs are a very successful way to provide quality care at a very reasonable price, which is 25-30% less than RNs. They follow the direction and care plan written by the Registered Nurse.

Linda Stedman, Bureau Chief, Certification Bureau, Department of Public Health and Human Services, said the bureau does annual inspections in long term care facilities to see if they are meeting the federal regulations. As was stated in previous testimony, this has been a practice that has been going on in Montana for several years. They have not found any problems when LPNs serve in the charge nurse capacity.

Vickie Jo Reeves, LPN, works as Accrediting Records Director in Park Place. She reviews charts in the patient care plan and to

see that the scope and duties of RNs and LPNs fit within the guidelines of the regulations.

Bob Olson, Montana Hospital Association, said they support HB 256.

Barbara Booher, Executive Director, Montana Nurses Association, said they support HB 302. LPNs as charge nurses is a good idea in the long term care setting.

Michelle Kansier, LPN, said she has been an LPN for 14 years in a charge role. She supports HB 256.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:
REP. ELLEN BERGMAN said she has heard from many nursing homes who support this bill. The support of the nurses and Board of Nursing is a good recommendation for this bill.

SENATE HEALTH & WELFARE
EXHIBIT NO. 13
DATE 3/7/97
BILL NO. HB 256

MONTANA
HEALTH
CARE
ASSOCIATION

36 S. Last Chance Gulch, Suite A · Helena, Montana 59601
Telephone (406) 443-2876 · FAX (406) 443-4614

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

HOUSE BILL 256 - LPN CHARGE NURSE

MARCH 7, 1997

I am Rose Hughes, Executive Director of the Montana Health Care Association, an association representing over 80 nursing facilities throughout the state of Montana. I offer this testimony on behalf of our member facilities.

HB 256 changes the statutory definition of the "practice of practical nursing" to specifically include serving in a "charge nurse capacity" in a nursing home under the "general supervision" of a registered nurse.

This legislation is not intended to ***change*** the scope of practice of LPN's in any way. LPN's currently serve as charge nurses in nursing homes throughout the state. They have served in this capacity in these facilities for many, many years. The purpose of this bill is to make legislative intent on this subject absolutely clear.

The current language of the practice act is general and allows for "interpretation" of this issue by the Board of Nursing. Since 1985 the Board of Nursing has taken various positions on the issue of whether LPN's may serve as charge nurses in nursing homes. The charge nurse issue has been under discussion by the Board since that time. In 1985 the Board adopted a position that charge nurse duties are not in the scope of practice of LPN's. In February of 1994 the Board put forth a proposal indicating that charge nurse duties are within the scope of practice of LPN's but only in long term care facilities and only if the facility had a federal waiver. At that time the Board also proposed to require a "charge nurse certification course" for all LPN charge nurses and a requirement that certification be maintained and documented in the personnel file. In April of 1994 the Board added additional limitations and requirements to its February proposal. It added a provision that LPN's may not serve as a charge nurse if there's an RN on the premises and a one-year experience requirement. Ongoing discussions brought no resolution of the many issues raised by the various statements and draft proposals. In November of 1996 the Board proposed to adopt administrative rules recognizing that LPN's may serve as charge nurses in nursing homes. However, the proposal kept in place all of the

limitations and requirements previously proposed except the requirement for a charge nurse certification course.

The limitations and requirements proposed by the Board would have had the effect of preventing, or severely limiting, the ability of LPN's to serve in the charge nurse capacity in our nursing facilities and add to the cost of care. This would have serious implications for the LPN's in our facilities, for the RN's in our facilities who depend on their LPN charge nurses, for the residents who depend on the services of our charge nurses, and for the facilities who are responsible for staffing facilities in a way that meets the care needs of the residents and is cost effective.

Fortunately, at its meeting last week, the Board of Nursing decided not to adopt its proposed rules and also voted to support HB 256.

The role of the LPN in our facilities has been the subject of debate with the Board since 1985. We believe we have been patient but it is now time to lay the issue to rest. We believe the way to do that is to have the legislature clearly include charge nurse duties in nursing facilities in the scope of practice of LPN's. Our LPN charge nurses play a critical role in our facilities. This legislation will at last remove the cloud that has been hanging over their heads, and ours, since 1985.

Our goal in seeking this legislation is not to circumvent the Board or even to criticize it. The Board's job is to carry out the legislature's wishes. It is obvious that there is not agreement on what the legislature intends with respect to this issue. Therefore, legislative clarification is appropriate and necessary.

I want to stress that LPN's now serve as charge nurses in long term care facilities throughout the state, and they have served in this capacity for many years. The practice of using LPN's as charge nurses has allowed nursing homes to provide high quality, cost effective care to their patients. There are 100 nursing homes in Montana - the vast majority of them use LPN's in the charge nurse role and do so successfully. In some facilities, LPN's serve as charge nurses on shifts where an RN is not available. In many facilities, LPN's serve as charge nurses even though one or more RN's are available on the premises. An LPN may be the designated charge nurse of a wing, a unit, a floor or the whole facility depending on the size and lay-out of the facility and the needs of its patients. LPN's serving in this role function under the general supervision of an RN, usually the director of nursing. RN directors of nursing play the key role in developing the plan of care for each resident in a facility, and then use their best judgment in assigning charge nurse and other duties in a way that assures that the care plan is implemented.

Our ability to continue to use LPN's in the charge nurse role in the manner in which we have successfully used them for years is extremely important if we are to continue to provide high quality care and is extremely important if we are to operate cost effectively. That is why we believe it is important for the legislature to address it. HB 256 simply makes it clear that LPN's in nursing homes can continue to do the job they have been doing well for many years without arbitrary limitations and restrictions.

We urge you to support HB 256.

SENATE HEALTH & WELFARE
EXHIBIT NO. 14
DATE
BILL NO.

MONTANA
DEPARTMENT OF COMMERCE

Professional and Occupational Licensing
Board of Nursing
111 North Jackson PO Box 200513
Helena, MT 59620-0513

Phone: (406) 444-2071
FAX: (406) 444-7759
TDD: (406) 444-2978

March 7, 1997

Senator Benedict, Chairman
Public Health, Welfare and Safety Committee
Montana Senate

Senator Steve Benedict and Committee Members:

My name is Jean Ballantyne. I am a registered nurse from Billings and I currently serve as President of the Montana Board of Nursing. This regulatory board has been given statutory authority for the explicit purpose of protecting the public in matters related to nursing. This regulatory responsibility covers three levels of nursing including Advanced Practice Registered Nurses, Professional Registered Nurses, and Licensed Practical Nurses.

I am here today on behalf of the Board of Nursing to inform this committee of the Board's position to support HB 256. The proposed legislation (HB 256) will add language to the definition of practical nursing, specifying that the scope of practice of the practical nurse includes the charge nurse role in certain long term care facilities. The Board's decision to support HB 256 evolved after indepth study and deliberation. The Board, at its' February meeting, voted to adopt administrative rules that will require practical nursing schools to include pregraduation coursework that is specific to the charge nurse role in long term care. With the new curriculum requirements and the rules previously in place which govern the conduct and practice of nursing, the Board believes that the public interest has been served in this matter.

Therefore, the Board of Nursing has no opposing issues with HB256, given the language of the bill remains as written when HB256 passed third reading in the House. If there are no further changes in the language of this bill, I respectfully request that the record reflect that the Board of Nursing supports HB256. Thank you for the opportunity to present this testimony. If you or the committee have any questions, please do not hesitate to contact me at 657-1730 or the Board office at 444-4279.

Sincerely,

Jean E Ballantyne MN RN

Jean E. Ballantyne MN RN
President, Montana Board of Nursing

Motion/Vote: SENATOR SHARON ESTRADA moved the CONCEPTUAL AMENDMENT to the title of HB 302. The motion CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR ESTRADA moved HB 302 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY, with SENATORS THOMAS and BAER voting YES by proxy. SENATOR ESTRADA will carry the bill.

EXECUTIVE ACTION ON HB 297

Motion: SENATOR CHRISTIAENS moved HB 297 BE CONCURRED IN.

Discussion: SENATOR CHRISTIAENS said his problem with this bill is the addition of different specialties will weaken the entire system, and he doesn't think this is needed.

Motion/Vote: SENATOR ESTRADA made a substitute motion to TABLE HB 297. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 256

Motion/Vote: SENATOR FRED THOMAS moved HB 256 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY with SENATOR BAER voting YES by proxy. SENATOR THOMAS will carry the bill.

EXECUTIVE ACTION ON HB 46

Motion: SENATOR CHRISTIAENS moved HB 46 BE CONCURRED IN.

Discussion: SENATOR ECK asked why this bill is needed, and said she doesn't think it is needed, at least not yet.

SENATOR CHRISTIAENS said he doesn't have a problem with it because it only requires the benefit be offered, but purchasers don't have to buy it. If it gives options to the employer or consumer, what does it hurt? Blue Cross and Blue Shield was honest in saying, if you want to buy this benefit, you will pay more.

SENATOR ESTRADA asked **SENATOR BOB DePRATU** if he would offer this benefit to his employees.

SENATOR DePRATU said his business provides major medical insurance through the Montana Auto Dealers Association, and he would have a meeting with the employees and ask them if they wanted this option. If they did, they would have to bear the cost of it.

SENATOR EVE FRANKLIN said, with the amendment, it is not as much of a concern as without it, and is inclined to support it.

MONTANA SENATE
1997 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 3/7/97

NAME	PRESENT	ABSENT	EXCUSED
SEN. LARRY BAER	✓		
SEN. CHRIS CHRISTIAENS	✓		
SEN. BOB DE PRATU	✓		
SEN. SHARON ESTRADA	✓		
SEN. DOROTHY ECK	✓		
SEN. EVE FRANKLIN	✓		
SEN. FRED THOMAS	✓		
SEN. JIM BURNETT, VICE CHAIRMAN	✓		
SEN. STEVE BENEDICT, CHAIRMAN	✓		

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CS-09

DATE 3/7/97

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: HB 297, 302, 256

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Name	Representing	Bill No.	Check One: Support	Oppose
David Lechner	MT Academy of Family Practice	297		X
Tanya Ask	Blue Cross Blue Shield MT	297		✓
Julie Barr	Hillbrook Care Center	256	–	
Bob Olsen	MT Hosp Assoc.	HB 256	✓	
Kay Wagner	Yellowstone Health Plan	297		✓
Tom Hopgood	HIAA	297		✓
Tom Ebzery	Yellowstone County Health Plan	297		✓
Dan Allen	Montana Medical Assn	297		✓
Steve Turkiewicz	Mt. Auto Dealers Assn	297		✓
Bill McCall	Lenders Assn.	HB256	✓	
Gene Vaughn	Big Sky Care Centers	HB256	✓	
[illegible]	Rocky Mountain Care Centers	256	✓	
Michelle Ramirez	RMCC	256	✓	
Mary McCue	MDA	302	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE 3/7/97

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: HB 297, 302, 256

< ■ > **PLEASE PRINT** < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
THAD LANGFORD	BOARD OF DENTISTRY	302	X	
Jean Ballantyne	Board of Nursing	256	X	
Tony Kuntz	Family Dermatology	297	X	
Bonnie Doohen	Mt. Nurses Assoc	302 256	X X	
TOM THUN	" "	302 256	X	
Rose Hughes	Mt Health Care Assn.	256	X	
David K. Mundick, MD	Mt. Acad. of Derm.	297	X	
Linda Garberg	" "	297	X	
Joyce Brown	Dept. of Administration	297		X
David Hemion	MT Dental Assoc.	302	✓	
Bill McDonald	Community Health Options			X
Linda Bennett	MTA Services Inc	297		X
Judy Good	Dermatology	297	X	
Jim Crichton	BCBS mt Mont academy family physicians	297		X

VISITOR REGISTER

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